



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,432	09/07/2006	Andreas Wiers	20800/0204926-US0	2324
7278	7590	12/10/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			KREINER, MICHAEL B	
			ART UNIT	PAPER NUMBER
			3644	
			MAIL DATE	DELIVERY MODE
			12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

1. The amendment has been entered, overcoming the 112(2) rejection.

Response to Arguments

2. Applicant's arguments filed 11/14/2008 have been fully considered but they are not persuasive. Banks (U.S. Pat. No. 5,180,121) teaches a support arm 24 wherein one of the bearings includes a pivoting drive mounting 54 and a pivoting drive 12. The term "including" can mean containing or enclosing. The hinge arm lug 54 is clearly contained within or between the bearings 138 in Banks's figure 3. Applicants' arguments that "Banks fails to teach that the first pivoting axis defined by the articulated joints is the door side pivoting axis" fails to address the obviousness statement which does teach this limitation in the Action. It is noted that "Applicants submit that it would not have been obvious to modify the hinge of Banks to replace one of the bearings to include a pivoting drive mounting attached to a pivoting drive..." (¶3). Such an obviousness statement has not been advanced in the Office Action, and so no response to this argument is deemed necessary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kreiner whose telephone number is (571)270-5379. The examiner can normally be reached on Monday-Friday 9am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

/M. K./
Examiner, Art Unit 3644